



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,589	12/14/2001	Tadao Matsumoto	0229-0680P	2029
2292	7590	12/20/2004	EXAMINER MAKI, STEVEN D	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ART UNIT 1733	PAPER NUMBER

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/014,589

Applicant(s)

MATSUMOTO, TADAO

Examiner

Steven D. Maki

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 02 December 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see advisory action attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,2,4-14.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Advisory Action Attachment

new issues

The new issues include:

- (1) in claim 1, adding --single-- before "small groove";
- (2) in claim 1, adding --and between the knurled parts, non-knurled parts each having a positive length in the longitudinal direction of the wide circumferential groove are present--;
- (3) adding new claim 15, which recites --in the portions at which the wide circumferential groove is connected with the lateral grooves, the knurled parts are not provided, and the knurled parts are formed between the lateral grooves--;
- (4) adding new claim 16, which recites --on each side of the groove bottom rib, only said small ribs are provided--; and
- (5) adding new claim 17, which recites --the bottom of said small groove on the top of the groove bottom rib has a flat bottom--.

issues of new matter

The issues of new matter include:

- (1) in claim 1, adding --and between the knurled parts, non-knurled parts each having a positive length in the longitudinal direction of the wide circumferential groove are present--; and
- (2) adding new claim 15, which recites --in the portions at which the wide circumferential groove is connected with the lateral grooves, the knurled parts are not provided, and the knurled parts are formed between the lateral grooves--.

remarks

Applicant argues that any combination with Ikeda provides a tire having a plurality of bottom ribs, which is distinct from what is presenting described in the invention. This argument is not persuasive since the plurality of ribs having the shallow valley (small groove) therebetween in Ikeda's figure 4 embodiment defines "a groove bottom rib" as claimed. In other words, the claimed groove bottom rib provided in the top face with a small groove *reads on* the structure at the bottom of the groove shown in figure 4 of Ikeda.

Applicant's arguments regarding Nakagawa are not persuasive since Nakagawa motivates one of ordinary skill in the art to mold Ikeda's tire such that for each section of the tire corresponding to sector m of the mold, at least two lateral ribs 4c are formed to prevent bareness of rubber. The knurled parts in Nakagawa are the lateral ribs 4c (best seen in figure 3).

Applicant refers to a continuous portion in Nakagawa. The "continuous portion" (4a, 4b, 4a) at the bottom of the groove in Nakagawa corresponds to the "continuous portion" at the bottom of the groove in the figure 4 embodiment of Ikeda. Nakagawa motivates one of ordinary skill in the art to mold Ikeda's tire such that lateral ribs 4c extend from both sides of such a "continuous portion" to prevent bareness of rubber.

Applicant argues that the aquachannel in Consolacion et al is not a groove / elongated void area. Applicant is incorrect. An aquachannel is a *type* of groove. See col. 1 lines 30-33 of Consolacion. Also see the footprint in figure 5. The two wide

Art Unit: 1733

circumferentially extending spaces in the footprint correspond to the aquachannels and confirm the presence of elongated void areas.

Applicant argues that Consolacion does not disclose disposition of the knurled portion in a circumferential groove at all. Applicant is incorrect. Consolacion describes: "In aquachannel 12, where lug 23b stops, serrated portion 26 is contained in the aquachannel. It is believed that serrated portion 26 provides acoustic disruption in the aquachannel and is provided for noise dispersion" (col. 5 lines 35-40). As further evidence that the serrated portion 26 is in a circumferential groove, note that the serrated portions 26 are not demonstrated in the footprint of figure 5.

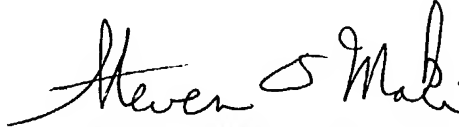
Applicant argues that the aquachannel in Consolacion is "something much more complicated". More properly, the pending claims fail to exclude (a) a varying width circumferential groove and (b) angled rounded groove walls.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
December 15, 2004


STEVEN D. MAKI 12-15-04
PRIMARY EXAMINER
-GROUP 1300
AU 1733